

# Order

Michigan Supreme Court  
Lansing, Michigan

September 26, 2008

Clifford W. Taylor,  
Chief Justice

134805 & (36)

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Maura D. Corrigan  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

WARREN M. ROBERTSON, JR.,  
Plaintiff-Appellee,

v

SC: 134805  
COA: 263067  
WCAC: 02-000399

DAIMLERCHRYSLER CORPORATION,  
n/k/a CHRYSLER, LLC,  
Defendant-Appellant.

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On order of the Court, the motion for leave to file brief amicus curiae is GRANTED. The application for leave to appeal the July 26, 2007 judgment of the Court of Appeals is considered and, pursuant to MCR 7.302(G)(1), in lieu of granting leave to appeal, we VACATE the Court of Appeals opinion in part with regard to its application of *Sington v Chrysler Corp*, 467 Mich 144 (2002), and the Workers' Compensation Appellate Commission's determination that *Sington* is inapplicable to this case, and we REMAND this case to the Board of Magistrates for further proceedings regarding disability consistent with the standards set forth in *Stokes v Chrysler LLC* (Docket No. 132648), 481 Mich 266 (2008). In all other respects, leave to appeal is DENIED, because we are not persuaded that the remaining questions presented should be reviewed by this Court. We do not retain jurisdiction.

CAVANAGH and KELLY, JJ., would deny leave to appeal.

WEAVER, J. (*dissenting*).

I dissent from the order partially vacating the Court of Appeals judgment with regard to its application of *Sington v Chrysler Corp*, 467 Mich 144 (2002), and the Workers' Compensation Appellate Commission's determination that *Sington* is inapplicable to this case, and remanding this case to the magistrate for further proceedings regarding disability consistent with the standards set forth in *Stokes v Chrysler LLC*, 481 Mich 266 (2008).

Because I dissented from the majority opinion in *Stokes v Chrysler LLC*, I vote to grant leave to appeal in this case to consider whether a majority of this Court reached the correct decision in *Stokes*.



d0923

I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

September 26, 2008

A handwritten signature in cursive script that reads "Corbin R. Davis".

Clerk